

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KEETH EUGUENE LUCAS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00653-TWP-MJD
)	
KATHY ALVEY Warden,)	
FRANK WOODS Safety Manager,)	
INDIANA CORRECTIONAL INDUSTRIES,)	
BETH FAUST Supervisor,)	
ROBERT CARTER, JR. Commissioner IDOC,)	
)	
Defendants.)	

**ENTRY SCREENING COMPLAINT, DISMISSING INSUFFICIENT CLAIMS,
AND DIRECTING SERVICE OF PROCESS**

I. Screening of Complaint

A. Legal Standards

Plaintiff Keeth Eugene Lucas is a prisoner currently confined at Edinburgh Correctional Facility. The incidents alleged in the complaint occurred at the Branchville Correctional Facility. Because the plaintiff is a “prisoner” as defined by 28 U.S.C. § 1915A(c), the Court has an obligation under § 1915A(a) to screen his complaint before service on the defendants. Pursuant to § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when

the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). *Pro se* complaints such as that filed by the plaintiff are construed liberally and held to “a less stringent standard than pleadings drafted by lawyers.” *Cesal*, 851 F.3d at 720.

B. Allegations

The complaint names five (5) defendants: 1) Branchville Warden Kathy Alvey; 2) Safety Manager Frank Woods; 3) Supervisor Beth Faust; 4) Commissioner Robert Carter, Jr.; and 5) Indiana Correctional Industries. For relief, Mr. Lucas seeks compensatory and punitive damages and injunctive relief.

Mr. Lucas alleges that defendants Alvey and Woods forced him to work in unsafe conditions in the pallet shop. He alleges that Ms. Faust knowingly made him work in the pallet shop using unsafe equipment, including saws. He alleges that he was injured when using the table saw, cutting his right hand index and middle fingers. The unsafe conditions allegedly occurred on and after September 26, 2019.

Mr. Lucas further alleges that after his injury, he filed grievances. The safety issues were allegedly fixed after he grieved about them. Warden Alvey and Mr. Woods allegedly decided, for Mr. Lucas’ safety, to remove him from his job. Mr. Lucas alleges that Warden Alvey told him he was also being transferred to another prison for his safety. Mr. Lucas alleges that he was transferred and lost his job as retaliation for his complaints about safety issues at his job.

Mr. Lucas alleges that Robert Carter, the Commissioner of the Indiana Department of Correction (IDOC), is responsible because he is in charge of the IDOC.

C. *Discussion*

The claim against Commissioner Carter is **dismissed for failure to state a claim upon which relief can be granted** because Mr. Carter is only named as a defendant because of his position, not because he was personally involved in the events that are alleged in the complaint. “Liability under § 1983 is direct rather than vicarious; supervisors are responsible for their own acts but not for those of subordinates, or for failing to ensure that subordinates carry out their tasks correctly.” *Horshaw v. Casper*, 910 F.3d 1027, 1029 (7th Cir. 2018).

Indiana Correctional Industries is a division of the IDOC. “The Eleventh Amendment grants states immunity from private suits in federal court without their consent.” *Nuñez v. Indiana Dep’t of Child Servs.*, 817 F.3d 1042, 1044 (7th Cir. 2016). “An agency of the state enjoys this same immunity.” *Id.* Because Indiana Correctional Industries is a division of a state agency, any claims against it are barred by the Eleventh Amendment and **dismissed for lack of jurisdiction**.

For injunctive relief, Mr. Lucas wants the Court to ensure that the defendants are held accountable for any injuries that future offenders might experience on the job. Mr. Lucas is no longer confined at Branchville Correctional Facility. The claim for injunctive relief is **denied** because Mr. Lucas does not have standing to assert any claims on behalf of other offenders. He is not an attorney, and he can only bring claims for his own injuries. If other offenders are injured in the future, they have the same opportunity as Mr. Lucas to file grievances and pursue claims themselves.

Mr. Lucas’ claims of deliberate indifference to his safety brought against Kathy Alvey, Frank Woods, and Beth Faust **shall proceed under the Eighth Amendment**.

His claim of a retaliatory loss of job and transfer brought against Warden Alvey and Frank Woods **shall proceed under the First Amendment**.

These are the claims the Court discerns in the complaint. If Mr. Lucas believes that additional claims were alleged in the complaint but not identified by the Court, he shall have **through May 4, 2020**, in which to identify those claims.

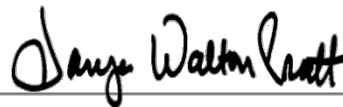
II. Service of Process

The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Kathy Alvey, Frank Woods, and Beth Faust in the manner specified by Rule 4(d). Process shall consist of the complaint filed on February 27, 2020 (docket 1), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

The **clerk is requested** to **terminate** defendants Indiana Correctional Industries and Robert Carter, Jr. as defendants on the docket.

IT IS SO ORDERED.

Date: 4/3/2020



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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P.O. Box 470
Edinburgh, IN 46124

Electronic service to:

Warden Kathy Alvey
Frank Woods
Beth Faust (all at Branchville Correctional Facility)